

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION - AKRON

In re:	)	CASE NO. 17-52534
	)	
JOAN O. ISAAC	)	CHAPTER 13
	)	
Debtors	)	JUDGE ALAN M. KOSCHIK
	)	
	)	<b>OBJECTION TO CONFIRMATION</b>
	)	<b>OF DEBTOR'S CHAPTER 13 PLAN</b>
	)	
	)	<b>(Property Located at:</b>
	)	<b>9882 Pebble Beach Cove,</b>
	)	<b>Aurora, OH 44202)</b>

NOW COMES, Aurora Shores Homeowners Association, Inc. (hereinafter referred to as "Movant"), a secured creditor of the Debtors and objects to the confirmation of the Chapter 13 Plan filed herein on the following grounds:

1. The plan does not comply with the provisions of 11 U.S.C. §1322(a)(2) and with other applicable provisions of said Title 11 in that;
  - A. The Debtor's plan fails to identify Movant as a secured creditor to be paid current monthly payments directly by debtor with the arrearage of \$1,724.76 to be paid by the Trustee. A copy of the Proof of Claim of Movant is attached hereto as Exhibit "A". Aurora Shores Homeowners Association, Inc.'s total annual maintenance fees and assessments, subject to adjustment, are currently \$550.00 per year (for 2018 fiscal year). Aurora Shores Homeowners Association, Inc. respectfully requests that the plan, if confirmed, be modified to recognize the secured debt and to require payment of the post-petition annual maintenance fees outside the plan.

2. Debtor's Plan does not comply with 11 U.S.C. §1322(b)(5) in that its provision for curing of prepetition delinquencies does not constitute curing such delinquencies "within a reasonable time."

WHEREFORE, Aurora Shores Homeowners Association, Inc. prays that confirmation of Debtor's Chapter 13 plan be denied.

Respectfully submitted

KAMAN & CUSIMANO, LLC

/s/ Shannon M. McCormick  
Darcy Mehling Good (0068249)  
Shannon M. McCormick (0084855)  
50 Public Square, Suite 2000  
Cleveland, OH 44113  
(216) 696-0650 / FAX (216) 771-8478  
Attorneys for Movant

## **CERTIFICATE OF SERVICE**

I certify that on December 21, 2017, a true and correct copy of Objection to Confirmation of Debtor's Chapter 13 Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Whitney E. Kaster, Esq., on behalf of Joan O. Isaac, debtor, at notices@dannlaw.com

Keith Rucinski, Esq., *Chapter 13 Trustee*, at krucinski@ch13akron.com

Daniel M. McDermott, Esq., *U.S. Trustee*, at ustregisteredmailbox@usdoj.gov and at ustpreion09.cl.ecf@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

Joan O. Isaac, 9882 Pebble Beach Cove, Aurora, OH 44202  
*Debtor*

/s/ Shannon M. McCormick  
Darcy Mehling Good (0068249)  
Shannon M. McCormick (0084855)  
KAMAN & CUSIMANO, LLC  
50 Public Square, Suite 2000  
Cleveland, OH 44113  
(216) 696-0650 / FAX (216) 771-8478  
bankruptcy@kamancus.com

**U.S. Bankruptcy Court**  
**Northern District of Ohio**

## Notice of Electronic Claims Filing

The following transaction was received from McCormick, Shannon on 12/21/2017 at 2:45 PM EST

[File another claim](#)

**Case Name:** Joan O. Isaac  
**Case Number:** 17-52534-amk  
Aurora Shores HOA  
**Creditor Name:** c/o Kaman & Cusimano, LLC  
50 Public Square, Suite 2000  
Cleveland, OH 44113  
**Claim Number:** 5 Claims Register  
**Amount Claimed:** \$1724.76  
**Amount Secured:** \$1724.76  
**Amount Priority:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**aurora shores - isaac - poc (efile) 12-21-17.PDF

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=985901243 [Date=12/21/2017] [FileNumber=48080478-0] [9dee9a41834e033530aad8473b176abddcd9fe575d64592f81e5d0962fda65aa8a96686e38c8bad6454e738d64e169e7ed2d4043464d8f4efa5e2abcb69f9c78]]

**17-52534-amk Notice will be electronically mailed to the U.S. Trustee, and:**

Whitney Kaster on behalf of Debtor Joan O. Isaac  
wkaster@dannlaw.com,  
notices@dannlaw.com;bfflick@dannlaw.com;brittany@dannlaw.com;edwardo@dannlaw.com

Keith Rucinski  
efilings@ch13akron.com, krucinski@ecf.epiqsystems.com

**17-52534-amk Notice will not be electronically mailed to:**

Nationstar Mortgage LLC d/b/a Mr. Cooper

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541



**Fill in this information to identify the case:**Debtor 1 Joan O. IsaacDebtor 2  
(Spouse, if filing) \_\_\_\_\_

United States Bankruptcy Court for the: Northern District of Ohio

Case number 17-52534-amk**Official Form 410****Proof of Claim**

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents**; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. Who is the current creditor?	<u>Aurora Shores HOA</u> Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>  <u>c/o Kaman &amp; Cusimano, LLC</u> Name <u>50 Public Square, Suite 2000</u> Number Street <u>Cleveland</u> <u>OH</u> <u>44113</u> City State ZIP Code  Contact phone <u>216-696-0650</u> Contact email <u>bankruptcy@kamancus.com</u>  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b>  _____ Name _____ Number Street _____ City State ZIP Code  Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ <div style="text-align: right;">Filed on _____ MM / DD / YYYY</div>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☐ No  
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 9 8 8 2

7. How much is the claim? \$ 1,724.76. Does this amount include interest or other charges?  
☐ No  
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
see attached Basis for Claim

9. Is all or part of the claim secured? ☐ No  
☒ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ 1,724.76  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ 1,724.76  
**Annual Interest Rate** (when case was filed) 8.00 %  
☒ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_



**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- ☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).
- ☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).
- ☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/21/2017  
MM / DD / YYYY

/s/ Shannon M. McCormick

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Shannon M. McCormick</u>		
	First name	Middle name	Last name
Title	<u>Attorney</u>		
Company	<u>Kaman &amp; Cusimano, LLC</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>50 Public Square, Suite 2000</u>		
	Number	Street	
	<u>Cleveland</u>	<u>OH</u>	<u>44113</u>
	City	State	ZIP Code
Contact phone	<u>216-696-0650</u>	Email	<u>bankruptcy@kamancus.com</u>

# Homeowner Transaction History

Aurora Shores

Account#: 1003097201

George Joyner or Joan Isaac

9882 Pebble Beach Cove

Aurora, OH 44202

Property Address

9882 Pebble Beach Cove

Aurora, OH 44202

Posting Date	Posting Code	Description	Notation	Ref #	Amount	Open Amount	Balance
5/1/2015	other	other		arf in yardi	\$54.87	\$54.87	\$54.87
6/1/2015	late	late		Late Fees	\$3.88	\$3.88	\$58.75
6/1/2015	late	late		Late Fees	\$2.90	\$2.90	\$61.65
7/1/2015	late	late		Late Fees	\$6.00	\$6.00	\$67.65
7/1/2015	lgl	lgl			\$17.50	\$17.50	\$85.15
8/1/2015	late	late		Late Fees	\$3.66	\$3.66	\$88.81
9/1/2015	late	late		Late Fees	\$3.66	\$3.66	\$92.47
10/1/2015	late	late		Late Fees	\$2.74	\$2.74	\$95.21
11/1/2015	late	late		Late Fees	\$2.74	\$2.74	\$97.95
12/1/2015	late	late		Late Fees	\$2.05	\$2.05	\$100.00
1/1/2016	late	late		Late Fees	\$2.03	\$2.03	\$102.03
2/1/2016	late	late		Late Fees	\$1.90	\$1.90	\$103.93
4/1/2016	late	late		Late Fees	\$1.90	\$1.90	\$105.83
4/1/2016	hoa	hoa		Monthly HOA Fees	\$550.00	\$550.00	\$655.83
6/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$659.49
7/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$663.15
8/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$666.81
9/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$670.47
10/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$674.13
11/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$677.79
12/23/2016	lgl	Legal/Court Fees		Invoice 55577	\$380.00	\$380.00	\$1,057.79
1/27/2017	late	Interest on past due account		December & January I	\$7.32	\$7.32	\$1,065.11
3/2/2017	late	Interest on past due account		February Interest	\$3.66	\$3.66	\$1,068.77
4/1/2017	hoa	HOA Annual Dues			\$550.00	\$550.00	\$1,618.77
7/12/2017	lgl	Legal/Court Fees		Invoice 63254	\$47.50	\$47.50	\$1,666.27
7/12/2017	lgl	Legal/Court Fees		Invoice 63254	\$47.50	\$47.50	\$1,713.77
8/29/2017	late	Interest on past due account			\$3.67	\$3.67	\$1,717.44
9/28/2017	late	Interest on past due account			\$7.32	\$7.32	\$1,724.76



JOAN O. ISAAC  
Chapter 13 Bankruptcy  
Case No. 17-52534

**BASIS FOR CLAIM**

Secured claim for unpaid annual assessments pursuant to Ohio Rev. Code §5312, due non-profit homeowners' association for utilities and maintenance services provided to property owned by Debtor. Claim **secured** by lien recorded against property for non-payment of pro-rata share of common expenses of association, a copy of which lien is attached hereto as Exhibit "A".

Summit/Portage County Court of Common Pleas Foreclosure Case No. CV-2016-11-4665 filed November 3, 2016 stayed by within Chapter 13 Bankruptcy filed on October 24, 2017.

**AURORA SHORES HOMEOWNERS ASSOCIATION, INC.**  
**CERTIFICATE OF LIEN**

Pursuant to §5312.11 and §5312.12 of the Ohio Revised Code and Pursuant to Article VIII, Section 10 of the Covenants and Restrictions of Record for Aurora Shores Homeowners Association, Inc., filed for record on September 28, 1970, in Volume 5067, Page 310, et seq. of Summit County Records, the undersigned, Aurora Shores Homeowners Association, Inc., hereby claims a lien for unpaid assessments to date against the following lot in said Association Property and the undivided interest in the Common Elements appertaining thereto:

Owner: George L. Joyner, Jr., Karyl Isaac-Joyner & Joan O. Isaac  
Address: 9882 Pebble Beach Cove, Aurora, Ohio 44202  
PPN: 6600148

Amount of Lien: \$438.05 plus interest at 8% per annum from the 20<sup>th</sup> of January, 2015, and in accordance with §5312.12, this lien is a continuing lien upon the lot referenced herein, subject to automatic subsequent adjustments reflecting additional unpaid assessments, interest, late fees, enforcement assessments, collection costs, attorney fees, paralegal fees and court costs.

IN WITNESS WHEREOF, Aurora Shores Homeowners Association, Inc., has caused this Certificate of Lien to be executed by its duly authorized officer, this 14th day of February, 2015.

AURORA SHORES HOMEOWNERS  
ASSOCIATION, INC.

BY: [Signature]  
PRESIDENT, Andrew Gordon

STATE OF OHIO )  
COUNTY OF Summit ) ss

**VERIFICATION**

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Andrew Gordon, personally known to me, who acknowledged that he did sign the foregoing Certificate of Lien and that the same is his free act and deed.

Instrument Prepared By:  
Ott & Associates Co., LPA  
1300 East 9<sup>th</sup> Street, Suite 1520  
Cleveland, Ohio 44114  
(216) 771-2600



[Signature]  
Notary Public  
Nura Newberry  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: 11/21/2019

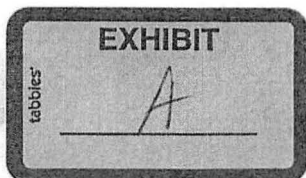
[Signature]  
11/21/2019

THE CLAIM SECURED BY THIS LIEN HAS BEEN PAID AND THE LIEN IS  
HEREBY SATISFIED AND DISCHARGED.

DATE: \_\_\_\_\_

AURORA SHORES HOMEOWNERS  
ASSOCIATION, INC.

BY: \_\_\_\_\_  
PRESIDENT



56110863  
Pg: 1 of 1  
02/26/2015 03:18P  
AL 28.00  
Kristen Sealise, Summit Co Fiscal Office